In the High Court for the States of Punjab and Haryana, at Chandigarh.

CM.No.3592-CII of 2007 and
FAO No.733 of 2007 (O&M)
Decided on February 22,2007

Surjeet Singh and others --- Appellants

vs.

The Regional Director, ESI Corporation
Sector 19,Chandigarh and another --- Respondents.

Present: Mr. Ramesh Chopra, Advocate,for the appellants

Pritam Pal,J:(Oral)

Heard on the application for condonation of delay of 694 days in filing this appeal against order dated January 11,2005, passed by learned Civil Judge (Senior Division), Chandigarh, whereby an application seeking interim injunction filed by the applicants/appellants, for not covering their Establishment, Punjab Mandi Board, under the Employees' State Insurance, Act (hereinafter referred to as 'the Act'),was dismissed.

The contention of learned counsel for the applicants/appellants is that earlier they had filed a Civil Revision bearing No. 2418 of 2005 in this Court, which was withdrawn vide order dated November 06,2006 and as such, the time was consumed in pursuing the said revision, therefore, the delay of 694 days occurred in filing this appeal, be condoned.

There is nothing on the file to show if any liberty was granted

to the applicants/appellants for filing this appeal after condoning period of delay consumed in pursuing the said revision. Not only that, it is further apparent from the application filed under Section 5 of the Limitation Act, that after withdrawing the first revision petition on November 06,2006, another Civil Revision bearing No. 6604 of 2006 was also filed on December 05,2006, which too, was ultimately dismissed as withdrawn vide order dated December 07,2006.

Thus, taking an over all view of the matter, this Court does not find any justification for condoning such a long delay of 694 days in filing this appeal. Hence, the application is dismissed and consequently, this F.A.O. is also hereby dismissed in *limine*.

However, it is made clear that nothing contained herein, shall be taken to be an expression of opinion on the merits of the case before the trial Court.

February 22,2007 (Pritam Pal)
RR Judge